HIGH COURT OF UTARANCHAL AT NAINITAL
A.O No. 282 of 2004
(Old No. 635 of 1991)

State of U.P. ...Appellant

Vs

Sri Balak Ram, S/o Sri Mansa Ram,
R/o Village koti Patti Thati Kathur
Tehri Garhwal. ...Respondents

Sri Nand Prasad learned Standing Counsel for the appellant.

Dated: -14-6-2006

Hon'ble B.S. Verma, J.

Heard Sri Nand Prasad learned standing counsel for the State.

This appeal has been filed against the order and Judgment dated 15-9-1990 passed by Sri M.N. Kulshresth the then District Judge, Tehri Garhwal in Misc. Case No. 31 of 1988 Sri Balak Ram Vs. State of U.P whereby the court made award of the arbitrator rule of the court under Section 39 of the Arbitration Act.

It is a transfer case from Allahabad High Court and notices were issued to the parties. It reveals from the service report that the respondent had died.

The time was given to the learned standing counsel on 10-4-2006 for taking steps for substitution and he had informed to the department for taking steps for substitution but no one turned up on behalf of the Department for taking steps for substitution.

The appeal stands abated after expiry of the period of 90 days from the date of death.

However, it is provided that it will be open for appellant that it may file the application for setting aside abatement and substitution application along with the application under Section 5 of the limitation Act, if the cause of the action still survives.

In view of above, the appeal is dismissed as abated.

(B.S. Verma,J)

Dated: -14-6-2006
M.K.